

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1702.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SO-CALLED JELLY.

On September 6, 1910, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wichita Vinegar Works, a corporation, Wichita, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 9, 1909, from the State of Kansas into the State of Oklahoma, of a consignment of so-called jelly which was misbranded. The product was labeled: "Peerless Princess Brand Fruit Jelly. Apple, Strawberry and Sugar. Contains phosphate. Made and guaranteed by the Wichita Vinegar Works Company, Wichita, Kansas, under the Pure Food and Drugs Act of June 30, 1906, Serial No. 179."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids, 71.59 per cent; non-sugar solids, 10.47 per cent; sucrose, Clerget, 21.04 per cent; reducing sugars, as invert, 40.08 per cent; commercial glucose (factor 163), none; polarization direct temperature at 23° C., +9.2; polarization invert temperature at 23° C., -18.4; polarization invert temperature at 87° C., 0.0; ash, 1.22 per cent; insoluble solids, 2.66 per cent; P_2O_5 , 0.47 per cent; preservative—sodium benzoate, 0.031 per cent; color, no artificial detected. Misbranding was alleged in the information for the reason that the product was misbranded and falsely labeled, in that the label indicated that the product was composed only of fruit and sugar with certain phosphate, whereas, in truth and in fact, it contained thirty-one one-thousandths of one per cent benzoate of soda, said label, as above set forth, being such as to deceive and mislead any purchaser of the product and to lead such purchaser to believe same to be without any admixture of benzoate of soda.

On March 22, 1911, the defendant company entered a plea of guilty and the court imposed a fine of \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 2, 1912.*